

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

DAVID LARUE MCCUTCHEN and)	
JOAN MCCUTCHEN,)	
)	
Plaintiffs,)	
)	
v.)	Case No.: 17-cv-00256-JHP-mjx
)	<i>(formerly Creek County District Court</i>
CSAA FIRE & CASUALTY INSURANCE)	<i>Case No.: CJ-2016-332)</i>
COMPANY, d/b/a AAA INSURANCE,)	
)	
Defendants.)	

STATUS REPORT ON REMOVED ACTION

I. State Court Information:

Court: Creek County District Court, Case Number CJ-2016-332

II. Style of the Case:

<u>Party</u>	<u>Party Type</u>	<u>Attorney</u>
1. David Larue McCutchen	Plaintiff	Ronald E. Durbin, II, OBA No. 22550 John E. Rooney, Jr., OBA No. 7745 DURBIN LAW FIRM, PLLC 1502 South Denver Avenue Tulsa, Oklahoma 74119
2. Joan McCutchen	Plaintiff	Ronald E. Durbin, II, OBA No. 22550 John E. Rooney, Jr., OBA No. 7745 DURBIN LAW FIRM, PLLC 1502 South Denver Avenue Tulsa, Oklahoma 74119
3. CSAA Fire & Casualty Insurance Company, d/b/a AAA Insurance	Defendant	Gerard F. Pignato, OBA No. 11473 Erin J. Rooney, OBA No. 31207 PIGNATO, COOPER, KOLKER & ROBERSON, P.C. Robinson Renaissance Building 119 North Robinson, 11 th Floor Oklahoma City, Oklahoma 73102

III. Jury Demand:

Yes; by Plaintiffs.

V. Complaints, Counter-Claims, Cross-Claims, Third-Party Complaints, Intervenor Complaints:

Plaintiffs filed a Petition on the 7th day of December, 2016, in the District Court of Creek County, Case No. CJ-2016-332, against Defendant, CSAA Fire & Casualty Insurance Company, d/b/a AAA Insurance. Plaintiffs assert causes of action for breach of contract and bad faith.

<u>Complaint-Type Document</u>	<u>Filed By</u>	<u>Against</u>	<u>Date Filed</u>
Petition	Plaintiffs	CSAA Fire & Casualty Insurance Company, d/b/a AAA Insurance	December 7, 2016

V. Unserved Parties:

None.

VI. Answer

CSAA Fire & Casualty Insurance Company was served, through the Oklahoma Insurance Commissioner, with the present lawsuit on or about April 25, 2017. CSAA Fire & Casualty Insurance Company removed this action before its deadline to respond to Plaintiffs' Petition under Oklahoma law. CSAA Fire & Casualty Insurance Company will file an Answer or other responsive pleading within the time allowed by FED. R. CIV. P. 81.

VII. Nonsuited, Dismissed or Terminated Parties:

None.

VIII. Remaining Claims of the Parties:

The only pending pleading is Plaintiffs' Petition asserting causes of action for breach of contract and bad faith.

IX. Pending Motions:

None.

Respectfully submitted,

s/ Erin J. Rooney

Gerard F. Pignato, OBA No. 11473

Erin J. Rooney, OBA No. 31207

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ATTORNEYS FOR DEFENDANT, CSAA

FIRE & CASUALTY INSURANCE COMPANY,

D/B/A AAA INSURANCE

CERTIFICATE OF SERVICE

I hereby certify that on May 8, 2017, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

Ronald E. Durbin, II, Esquire

John E. Rooney, Jr., Esquire

s/ Erin J. Rooney

For the Firm